

REMARKS

Claims 1-13 are pending in the instant application. Claim 3 has been cancelled. New claims 14-21 have been added, drawn to the subject matter of original claim 3 (see also pages 18-28 of the specification). Accordingly, these claims are also encompassed by elected Group I. No new matter has been added.

Election/Restriction

The Examiner has required restriction of the claims to one of the following inventions under 35 U.S.C. §121:

Group I: Claims 1-4, drawn to a method for treating arthritis via a method of in-vivo based gene therapy, classified in class 514, subclass 44; and

Group II: claims 5-13, drawn to method for treating arthritis via a method of ex-vivo based cell therapy, classified in class 424, subclass 93.21.

Accordingly, Applicants hereby elect the Group I invention (claims 1-4), without traverse.

The Examiner has required that Applicants elect a species selected from the group consisting of HIV, FIV, SIV, BIV, and EIAV. Applicants hereby elect the species of HIV. Claims 1, 2, 4, and new claims 14-21 read on the elected species.

The Examiner has required that Applicants elect a species selected from the group consisting of soluble Interleukin-1 α Receptor Type I, Soluble Interleukin-1 α Receptor Type II, Interleukin -1 α Receptor Antagonist Protein (IRAP), Insulin-Like Growth Factor (IGF), Tissue Inhibitors of Matrix Metallo-Proteinases (TIMP) -1,-2,-3,-4, Bone Morphogenic Protein (BMP)-2 and -7, Indian Hedgehog, Sox-9, Interleukin-4, Transforming Growth Factor (TGF)- β , Superficial Zone Protein, Cartilage Growth and Differentiation Factors (CGDF), Bcl-2, Soluble Tumor Necrosis Factor (TNF) - α Receptor, Fibronectin and/or Fibronectin Fragments, Leukemia Inhibitory Factor (LIF), LIF binding protein (LBP), Interleukin-4, Interleukin-10, Interleukin-11, Interleukin-13, Hyaluronan Synthase, soluble TNF- α receptors 55 and 75, Insulin Growth Factor (IGF)-1, activators of plasminogen, urokinase plasminogen activator

(uPA), parathyroid hormone-related protein (PTHrP), and platelet derived growth factor (PDGF)-AA –AB or –BB. Accordingly, Applicants hereby elect the species of Interleukin-1 receptor antagonist (IL-1Ra). Claims 1, 2, 4, and new claims 14 and 16 read on the elected species.

Also, it is Applicants understanding that the foregoing species election is for searching purposes only. It is also Applicants understanding that upon allowance of the elected species, the generic claims also will be searched and Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. Applicants hereby reserve the right to traverse the species and specific species elections if Applicants' understanding is incorrect.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. IOI-024. A duplicate copy of this paper is enclosed.

Dated: December 1, 2005

Respectfully submitted,

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